A Bill to Curb Freedom of the Press "Legally"—See Page Four

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The Split Is Over World War III, Not Indo-China

The split within the Eisenhower Administration is not merely a split over what to do about Indo-China. The division of opinion is more fundamental. It is between those who think World War III unavoidable, and those who believe peace is possible.

Those who think World War III unavoidable believe the U.S. will lose it unless war is precipitated before the Russians have a long range continental bomber and an ample supply of H-bombs. This, by their calculation, is two or three years.

The Pentagon Is Also Divided

In assessing the situation, some familiar stereotypes are deceptive. The "Pentagon" and "the military" are not in this meaningful concepts. The Army Chief of Staff, Ridgway, and the Army generally (Van Fleet is the exception, as was MacArthur) tends to take a conservative view, quite unlike Radford and most of the Air Force and Navy crowd.

There is one report in Congressional circles that Ridgway was so strongly opposed to intervention in Indo-China that he threatened at one point to resign. The Army view reflects the thinking of the infantry, and the feeling that after the glamor boys of the Air Force get through it is still the foot soldier who has to do the dirty work and take the terrain. Eisenhower, as an Army man, shares this view.

The conflicting reports, statements and speeches out of Washington become less confusing if read not as statements of policy, but as efforts—by sharply differing officials—to win public opinion to their side. Nixon, Knowland, Radford, Carney and Dulles have all been trying to condition the public mind for war.

"Big Business" Also Not Single Minded

Another deceptive Leftist stereotype links "big business" with war. "Wall Street" is also divided. As a matter of fact the only organized opposition to war at the moment comes from this sector. Its two spokesmen in the Cabinet, Secretary of the Treasury Humphrey and Secretary of Defense Wilson, are both on the side of peace. This contrasts sharply —despite another stereotype—with the belligerence or cowed silence of our labor leaders.

The Carney speech was an indirect reply to that made a few days earlier by Secretary Humphrey at the Farm-City Conference in New York City where he received a Government Economy Award along with Hoover and Senator Byrd. The Humphrey stress was on the need for a sound economy: "the worth of our defense must be measured not by its cost, but by its wisdom." More important than the speech were the private talks in which Humphrey, Hoover and Byrd rallied support against a reckless military policy.

Wilson Returns Unconvinced

The Carney speech, though cleared only as a "personal" utterance, made page one headlines. The press buried the more important address last week by Secretary Wilson, his first on returning from the Far East, though it reflected dominant policy. It got a big play in the British press, but ours is so conditioned to war alarms that it missed what Wilson was saying.

Wilson was prevailed upon by the "wild men" to go out to the Far East and see for himself in the hope that he might change his mind about intervention. He came back, as might have been expected, more strongly confirmed in the views that he had when he left. He is stubborn, shrewd and plain spoken, with a good shop foreman's instinct for the tangible and distrust of big vague talk.

At his last press conference before leaving, Wilson argued against an oversimplified view of the Indo-Chinese war. "I know," he told the press, "that wars aren't things to be quickly rushed into and it is going to require a lot of patience and understanding and effort to avoid war, and it's worth the try." He warned against trying to police the world alone and ended by asking the reporters, "Do you think the American people think we ought to intervene over there and send ground troops in and take over the war?"

In his speech, Wilson struck themes on which he has dwelt before. "War and the preparation for war," Wilson said, "can never be real prosperity, for such military programs absorb materials and the efforts of millions of people that could otherwise be used for raising the standard of living of the people."

Wilson warned that a third world war was not the answer to communism, that "even a victory" in such a war would set back human progress and that after it was over we would still be faced with "the problem of what to do." He suggested that we "strive to figure out what it would take to win the peace even after a third disastrous war in the hope that by putting those policies into effect now before such a war the war itself could be averted." Nobody in government has spoken quite this way since Wallace.

Dulles In A Slump

Despite offstage noises by Knowland, the interventionists and the preventive war crowd are for the moment defeated. This may explain the apathetic attitude of Secretary Dulles at press conference last week. The starch has gone out of him. But the situation is still fluid, the enemies of peace determined. Miscalculations at Geneva or in Indo-China may yet give the wild men their chance.

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As Pressure Builds Up In the Wake of the McCarthy Hearings

Liberal Democrats Present A Fair Play Code Worth Support

Capitol Hill—That joint resolution introduced last week by eighteen Democrats (and one Independent) in the Senate and six in the House for reform of investigating committee procedure is worth support, and would really give witnesses some protection against slander-by-investigation. Pressure for a "fair play" code has been building up steadily in the wake of the McCarthy hearings.

The obstacles: despite the growing Eisenhower-McCarthy feud, the Republican Senate leadership is in no mood to curb McCarthy's powers; the White House either hasn't tried or can't change that picture (the former is more likely); McCarthy's friend, Jenner, is chairman of the Rules committee; and the Democratic leadership can't make up its mind. "A month ago," said one Democrat in close touch with this picture, "the leadership would have turned us down flat. Now, after the stir caused by the McCarthy hearings, they aren't quite sure." Factors in this indecisive attitude: a disinclination to tangle with McCarthy and an unwillingness to curb committees which will be run by Democratic witch-hunters like McCarran and Eastland if the Republicans lose control of the Senate in November.

The Missing Names Are The Tip-Off

The tip-off on the situation in the Senate lies in the names of the sponsors. An effort was made, but without success, to get Republican support for a bi-partisan measure. On the Democratic side, only "liberals" could be marshalled. Only two Democrats from the South, Sparkman and Hill of Alabama, were among the sponsors, and neither of them are Southerners who "really count." The party leadership today is with the Southern conservatives; Byrd (Va.), and Russell and George of Georgia. They and those close to them are conspicuous by their absence. Beside Morse and the two Senators from Alabama, the sponsors were Kefauver (Tenn.), Lehman (N. Y.), Douglas (Ill.), Anderson (N. M.), Humphrey (Minn.), Mansfield (Mont.), Green (R. I.), Gillette (Iowa), Chavez (N. M.), Hunt (Wyo.), Murray (Mont.), Neely (W. Va.), Magnuson (Wash.), Gore (Tenn.), Hennings (Mo.), and Pastore (R.I.). None of the three Democrats on the McCarthy committee, neither McClellan (Ark.), Symington (Mo.) nor Jackson (Wash.) were among the sponsors.*

Yet if ever there was an opportune time for a campaign to curb investigating committees, this is it. The demand was strong enough to make the Senate Republican Policy Committee go through the motions of reform earlier this session. The 7-point program announced by Knowland for the committee last March 10 (see this year's Con. Rec. p. 2795 for text) would do no more, however, than curb one-man rule of committees. The only "right" it accorded witnesses was one they already have, the right to be accompanied by counsel. The joker in this program was that the Republican Policy Committee did no more than authorize its chairman, Ferguson (Mich.), "to transmit" these rules as "suggestions" to the various committee chairmen, including McCarthy.

Knowland Wants Action Put Off

Since then Knowland has said that Republican leadership will support a uniform code for all investigating committees but he wants action put off until next year. Last Monday, in an effort to anticipate the Democratic proposals, a Republican, Bush (Conn.) introduced a proposed code, but without the support of his party leaders. This goes far beyond the 7-point program in curbing one-man rule and would also give some limited rights of rejoinder, explanation and written interrogation of hostile witnesses to persons involved in testimony or releases which "may tend to defame, degrade or incriminate" them (text Con. Rec. May 24 pps. 6606-7).

* The sponsors on the House side are Celler (N.Y.), Roosevelt (N.Y.), Yates (Ill.), Howell (N.J.), Rhodes (Pa.), and Evins (Tenn.).

The liberal Democratic proposals are more comprehensive and more carefully prepared than anything yet proposed in Congress. They also have the distinction of providing for the first time some means of enforcement—a Senate committee of five members to which complaints could be made of unfair procedure. This committee in turn could present its findings to the Senate, "with such recommendations for remedial and disciplinary action, if any, they deem appropriate."

The proposed "Code of Fair Committee Procedure" would end one of McCarthy's favorite practices—the leak of one-sided accounts from executive sessions. It would forbid the issuance of any testimony "or summary thereof" from executive sessions without majority vote of the committee. Any testimony adversely affecting a person could not be released unless "the complete evidence or testimony offered in rebuttal thereto" were released at the same time.

Counsel Allowed Objections

For the first time defense counsel would be allowed "to make brief objections to the relevancy of questions and to procedure." A person adversely affected would have the right to recall his accuser within 30 days, to cross-examine him (in person or by counsel) and "subject to the discretion of the committee" to subpoena "witnesses, documents and other evidence in his defense."

A person adversely affected by material obtained in executive session would be given the right to inspect such material or testimony in advance if it were to be made public. A hostile witness, "may be required by the committee to disclose his sources of information, unless to do so would endanger the national security."

Witnesses would be given the right to explain their answers briefly. "At least 24 hours" before testifying a witness shall be given a copy of that portion of the resolution scheduling the hearing and stating its subject, with a statement of "the subject matters about which he is to be interrogated." (This notice is much too short a time in which to obtain counsel and prepare a defense, especially since counsel for such purposes are not easily obtainable in this atmosphere and charges often go far back into the past making preparation of a defense difficult). Insofar as practicable adverse material before its release "shall be first reviewed in executive session to determine its reliability and probative value and shall not be presented at a public hearing except pursuant to majority vote of the committee."

It's Sen. Res. 256

These are the high-lights of the measure, enough to show that unlike so many previous proposals these would begin to give witnesses some substantial protection. (It is a pity the sponsors did not also add a provision permitting witnesses to be heard through counsel before a contempt citation is voted). The "code" would not end the witch hunt—this has its roots in the confusion which permits a committee of Congress to engage in ideological inquisition and to operate as a public roving grand jury for the exposure of crime. The former violates the First, and the latter the Sixth, amendment to the Bill of Rights.

But this code would put a curb on the worst evils of McCarthyism and give victims greater power to defend themselves. Now is the time to write your Congressman and your Senators for action. The McCarthy hearings are educating a large public and something should be done now before the effects wear off. S. Res. 256 is the number of the Fair Procedure Resolution. Copies can be obtained from any sponsor or read at pages 6812-13 of the Congressional Record for May 27.

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Witch Hunt Bulletin: McCarran's Latest Reported Out

Right to Work and Free Union Elections Endangered

Capitol Hill—Without a dissenting vote, the Senate Judiciary Committee has favorably reported to the Senate S. 23 by McCarran, which would make it unlawful for a member of a Communist organization (as defined by the Internal Security Act) to hold an office or a job in a labor union "and to permit the discharge by employers of persons who are members of organizations designated as subversive by the Attorney General of the United States."

Communist "organizations," as defined by the Internal Security Act, include both "action" organizations like the Communist party itself, and "fronts" which may be organized for lawful purposes. The basic premise of the bill is that members of labor organizations cannot be trusted to choose their own officials and that the State may void an election won by a Communist or "frontier."

The McCarran bill was one of three similar measures (the other two, S. 1254 by Goldwater and S. 1606 by Butler) on which hearings were held earlier this year. These bills raise two questions for the future. If the government may bar Communists from labor union jobs, can it also bar others whose views may be considered "subversive"? The other is: if labor union members cannot be trusted to choose their own officials by ballot, if the State may interfere with free choice to bar "subversive" candidates, can it interfere with free choice and screen candidates for Congress or other public office? If the principle is allowed in the one case, it would seem equally applicable in the other.

The second half of the McCarran bill, according to the description by the Judiciary Committee, would "permit" employers to discharge any employee who is a member of an organization on the Attorney General's list, who conceals such membership, or refuses to answer questions about such membership put by a duly constituted congressional committee. The bill itself, however, merely says nothing in it or any other act "shall preclude an employer from discharging" an employee of this kind "without liability."

Until now, though the ambit of the witch hunt has widened from government employment to defense plants to port facilities, there has always been some special excuse of "security" for denials of the right to work. This measure applies political discrimination nakedly in all employment to members of any organization on the Attorney General's list. The Committee in its report says naively that the bill involves "no curtailment of the right to work" because it applies only to those who "voluntarily" continue their membership in such organizations. In fact, however, the worker would have to choose between his daily bread and his political freedom.

Miscellany: Dien Bien Phu Fell and Mrs. Nixon Hit The Jackpot

Stiffening Resistance in the West: "Because of a party held at the French Embassy yesterday afternoon, $15,000 will be sent to the wounded in Indo-China. It wasn't a gay dancing party such as the ball would have been that was originally planned for last night. The tragedy of Dien Bien Phu changed all that. But it was a charming gathering of the Capital's creme de la creme society who had paid $25 per and were concentrating like school children on walking off with one of the prizes contributed to the benefit . . . Mrs. Nixon hit the jackpot. She won a case of French champagne, Schiaperelli perfume, a compact and Canadian whiskey . . . For the second time in a row Mrs. Joseph E. Davies won a fur capelet—this one a blue fox. And the top prize, a diamond, sapphire and gold pin from Cartier's went to Mrs. Arthur Woods, niece of J. Pierpont Morgan."—Washington Star society column, May 22. Who dares say the "free world" does not offer rewards as glittering as those of Communism to keep up the spirits of its partisans?

Dies Agrees With Sidney Hook: "I would defend," said the Texan in a radio interview with Congressman Stuyvesant Wainwright May 23, "the right of anyone to believe in and to preach communism as such, or socialism, or any other heresy, or so-called heresy. It isn't that. It's the fact that the people who now belong to the Communist party have shown by their deeds that they are criminals." The New Republic picked another advocate of this "heresy, yes—conspiracy, no" line, Sidney Hook, to review Henry Steele Commager's new book defending civil liberties. The result was about what might have been expected. The New York Journal-American, which not so many years ago was attacking Hook's right (as a Marxist) to teach, reprinted the review on its editorial page May 28 under the heading, "What 'Liberals' Forget." Hook thought Commager paid too little attention to the problem of security risks, and the NR, of course, did not point out that by prevailing standards Hook is a security risk, too.

Page Velde: A State circuit court judge in Alabama has declared unconstitutional a textbook labelling law much like that suggested by Chairman Velde of the House Un-American Activities Committee for all books in the Library of Congress. The law would have required all textbooks to carry a statement "indicating clearly and with particularity" not only the answer to the $64 question about the author but also whether the author of "any book or writings cited therein as parallel or additional reading is or is not a known advocate of communism or Marxist socialism," a Communist or a member of a "front" organization. Though the law passed with only one dissenting vote, the State has decided not to appeal the decision. A survey had shown that at Alabama Polytechnic alone, the law would have required labelling of 150,000 books and checking some 42,000,000 other authors cited in them. The court called the act "completely unworkable."

Civil Liberties a la Hollywood: The militant Southern California branch of the American Civil Liberties Union recently acquired an advisory council on which the most glamorous name is that of Dore Schary. Schary's first "advice" was to threaten his resignation unless the ACLU cancelled the meeting of May 28 last at which Corliss Lamont was to have spoken on Congressional inquisition. P.S. The meeting was cancelled, though Lamont protested that in 30 years of public speaking he had only once before had a meeting cancelled on him.

Mystery: Last August 23 Robert A. Vogeler filed suit for $500,000 in New York against I. T. & T. "for what I went through" during and after his imprisonment in Hungary where he was arrested for espionage. The suit was settled out of court last week, reportedly for $55,000. Puzzle: if Vogeler was unjustly accused, how was I. T. & T. liable for what happened to him in Hungary?

All He Needs: "Finally we should let Chiang Kai-shek, who now has 23 divisions of well-trained soldiers on Formosa, know he has our approval if he decides to return with his troops to the mainland of China"—Joe McCarthy, Senate floor, May 19.

Pitfalls of Prophecy: The June 11 issue of U.S. News, which appears on the newstands June 8, featured an article, "Why Stocks Are Higher." That same day the market suffered the sharpest break in four years. Peace jitters?

Recommended: "What Every American Should Know About Indo-China" in the June, 1954, issue of *Monthly Reveiw*, 66 Barrow St., N. Y. 14 . . .

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The St. George Bill for a Postal Censorship

A Way to End Freedom of the Press "Legally"

HR 9317 is a bill to prohibit "the transmission through the mails at less than cost" of papers, magazines, books and films "containing material contrary to the best interests of the United States." The phrase "less than cost" refers to the special second class, bulk mail and book rates allowed for various types of printed matter. These rates are so much below ordinary rates that few publications could survive the loss of their second class mailing privileges. This is a bill to drive radical papers, films and books out of business.

The sponsor of HR 9317 is Mrs. Katherine St. George, an upstate New York Republican. In introducing the bill, she said she favored the exclusion of such material from the mails altogether. "But," she said, "objections have been raised against such a sharp departure from past policy." (Freedom of the press?) Mrs. St. George went on to explain that these objections were based on hostility "to censorship which would of necessity be a part of the administration of such a prohibition." She herself seems to regard this innovation with equanimity, and indeed told the House she sees her bill as "a first step, a long first step" toward exclusion.

In this she did not exaggerate. This bill involves censorship by the postal authorities in as full a degree as would a bill to exclude from the mails. The Postmaster General would be instructed to revoke or deny the special mail rates to any "publication, book, film or printed matter" containing (the actual words deserve careful reading) *"Material which advocates, advises, or teaches, or explicitly or by implication favors the political, economic, international, and governmental doctrines of communism or any other totalitarian form of government, or the establishment in the United States or any foreign state of a Communist or other totalitarian dictatorship."*

These words have the full flavor of *dementia americana.* One can see brigades of postal inspectors, specially certified by the literary division of the FBI as politically pasteurized for their delicate task, determining what magazines and books may "by implication" favor "the political, economic, international and governmental doctrines of communism." A book or paper which pleads for peace might be open to loss of postal privilege as by implication favoring one of the "international . . . doctrines of communism." And if people like Westbrook Pegler had their way (and Mrs. St. George is a Peglerite), a paper favoring the income tax would also be vulnerable, since the income tax (as we are constantly being reminded) was advocated by the Communist Manifesto a century ago, and is therefore Communist economic doctrine.

The bill would make discussion of foreign policy hazardous. It would apply to anything favoring "communism or any other totalitarian form of government", and to the establishment of such government not only in the United States but in "any foreign state." A newspaperman or writer who had a good word to say for Communist China would be in danger of losing his postal privileges—as would one who praised Franco Spain or those dictatorial Latin American good neighbors of ours.

Mrs. St. George herself gave the House a list of papers and magazines which would at once be affected. No rightist publication, even of the most paranoid type, was on her list. All those she named were Leftist of one kind or another, including the *Lawyers Guild Review* (but not—touch wood —this *Weekly*). The postal ban would apply at once to every publication on the House Un-American Committee's notorious "Guide," America's own *index expurgatorius;* to those on the Attorney General's list and to publications of any organization ordered to register under the Internal Security Act. The Guide and the "list," of course, are drawn up without hearings of any kind.

A Postmaster General under a McCarthyite President could use these powers effectively against a wide range of opposition papers. This is one of the devices which could some day be used—it is not too early to think about such things—to end freedom of the press in America "legally." The scheduled hearing on this bill last Tuesday was suddenly postponed, but the more protest the better, and as many organizations as possible should ask to be heard against it.

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